

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:24-cv-00783-FDW-DCK

JAMESON C., a minor, by next friend
STEVEN BOLCH; SARA M., LEAH M.,
HARRY M., minors by next friend KARI
DANFORTH; MEGAN S. and CHLOE S.,
minors, by next friend DARIA
BARAZANDEH; ANNIE W., JUSTIN B.,
MORGAN G., minors, by next friend
VERONIKA MONTELEONE, SYLVIA T,
minor, by next friend ANNIE RICHEY,
AVA J., minor, by next friend KAYLA
DEWALD, ALICE B., minor by next friend
JACKSON ALBERT, and all others
similarly situated,

Plaintiffs,

v.

ROY COOPER, in his official capacity as
the Governor of North Carolina, NORTH
CAROLINA DEPARTMENT OF HEALTH
AND HUMAN SERVICES, KODY
KINSLEY, in his official capacity as the
Secretary of the North Carolina Department
of Health and Human Services, SUSAN
OSBORNE, in her official capacity as
Assistant Secretary of County Operations of
the Division of Social Services, MARK
PAYNE, as the Director of the Division of
Health Service Regulation,
MECKLENBURG COUNTY,
MECKLENBURY COUNTY
DEPARTMENT OF SOCIAL SERVICES-
YOUTH AND FAMILY SERVICES,
GASTON COUNTY, GASTON COUNTY
DEPARTMENT OF SOCIAL SERVICES,
DAVIDSON COUNTY, DAVIDSON
COUNTY DEPARTMENT OF SOCIAL

DEFENDANTS GASTON
COUNTY AND GASTON
COUNTY DEPARTMENT
OF SOCIAL SERVICES'
RESPONSE TO REQUESTS
FOR PRELIMINARY
HEARING

SERVICES, HARNETT COUNTY,
HARNETT COUNTY DEPARTMENT
OF SOCIAL SERVICES, RANDOLPH
COUNTY, RANDOLPH COUNTY
DEPARTMENT OF SOCIAL SERVICES,
ROCKINGHAM COUNTY,
ROCKINGHAM DEPARTMENT OF
SOCIAL SERVICES, JOHNSTON
COUNTY and JOHNSTON COUNTY
DEPARTMENT OF SOCIAL SERVICES,

Defendants.

NOW COME Defendants Gaston County and the Gaston County Department of Social Services (“Gaston County”), and respond to the requests of Mecklenburg County, Mecklenburg County Department of Social Services – Youth Family Services, the North Carolina Department of Health and Human Services, Kody Kinsley, Mark Payne, and Roy Cooper (the “Moving Defendants”) for a preliminary hearing on their Motions to Dismiss.

Gaston County, which has also filed a Motion to Dismiss, agrees with the Moving Defendants’ requests for a preliminary hearing and joins in the same. The pending motions to dismiss would, if granted, dispose of all issues pending in this litigation. To initiate discovery proceedings during the pendency of the motions would risk the unnecessary expenditure of taxpayer resources. Gaston County therefore joins the Moving Defendants in requesting that the Court hold a preliminary hearing on all pending motions to dismiss prior to the initiation of discovery proceedings.

This the 11th day of December, 2024.

TEAGUE CAMPBELL DENNIS & GORHAM, LLP

BY: /s/ J. Matthew Little

J. Matthew Little, N.C. State Bar No. 20032

Jacob H. Wellman, N.C. State Bar No. 28853

Daniel T. Strong, N.C. State Bar No. 49546

P.O. Box 19207

Raleigh, NC 27619-9207

Telephone: (919) 873-0166

Facsimile: (919) 873-1814

Email: mlittle@teaguecampbell.com

jwellman@teaguecampbell.com

dstrong@teaguecampbell.com

***Attorney for Defendants Gaston County and Gaston
County Department of Social Services***

CERTIFICATE OF WORD COUNT

I hereby certify that the foregoing document complies with the word limitation requirement of Section 3(b)(iv) of the Initial Scheduling Order. This response contains 155 words, excluding the categories of words excluded under Section 3(b)(iv), as measured by Microsoft Word.

This the 11th day of December, 2024.

TEAGUE CAMPBELL DENNIS & GORHAM, LLP

BY: /s/ J. Matthew Little
J. Matthew Little – N.C. State Bar No. 20032
Jacob H. Wellman – N.C. State Bar No. 28853
Daniel T. Strong – N.C. State Bar No. 49546

CERTIFICATE REGARDING THE USE OF ARTIFICIAL INTELLIGENCE

I hereby certify, in accordance with the Court's Standing Order In Re: Use of Artificial Intelligence (Docket No. 3:24-mc-104), that no artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in Lexis; and that every statement and every citation to an authority contained in this document has been checked by an attorney in this case as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

This the 11th day of December, 2024.

TEAGUE CAMPBELL DENNIS & GORHAM, LLP

BY: /s/ J. Matthew Little
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Jacob H. Wellman – N.C. State Bar No. 28853
Daniel T. Strong – N.C. State Bar No. 49546

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on December 11, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

TEAGUE CAMPBELL DENNIS & GORHAM, LLP

By: /s/ J. Matthew Little
J. Matthew Little